

# Tennessee Board of Dentistry

# Newsletter



Spring 2006

A regulatory agency of the State of Tennessee

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The Board of Dentistry has the duty and responsibility to function in such a manner as to promote and protect the public's health, safety and welfare. Thus, the Board must review licensure applications and determine whether the applicant is qualified to be issued a license in accordance with the facts, the law and the regulatory statutes governing the profession, public welfare demanding it. *Policy Statement Adopted May 1998*



## New Rules Spotlight

On March 1<sup>st</sup> a new rule became effective. Excerpts from the rule are as follows:

### **0460-2-.13 Free Health Clinic, Inactive Pro Bono and Volunteer Practice Requirements. (Dentists)**

#### **(1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201**

- (a) Any dentist licensed to practice dentistry in this state or any other state who has not been disciplined by any dentistry licensure board may have their license converted to or receive a Tennessee "Special Volunteer License," as defined in T.C.A. § 63-1-201, which will entitle the licensee to practice without remuneration solely within a "free health clinic," as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:

1. Obtaining from the Board's administrative office a "Special Volunteer License" application, completing it and submitting it along with any required documentation to the Board's administrative office; and
2. Have the licensing authority of every state in which the dentist holds or ever held a license to practice dentistry submit directly to the Board's administrative office the equivalent of a "certificate of fitness" as described in T.C.A. § 63-1-118 which shows that the license has never been subjected to any disciplinary action and is free and clear of all encumbrances; and
3. For dentists who have not been licensed in Tennessee, comply with all provisions of subparagraphs (1) (c), (1) (d), (1) (e), and (1) (g) of rule 0460-2-.01 and the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and
4. Submitting the specific location of the site or setting of the free health clinic in which the licensee intends to practice along with proof of the clinic's private, and not-for-profit status.

- (b) A dentist holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board's biennial birthdate renewal system

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## New Policies Adopted by the Board

The Board of Dentistry adopted three policies at the January 26-27, 2006 meeting of the Board. They are as follows:

**Policy For The Use of Lasers** - The position of the Tennessee Board of Dentistry is that the use of lasers that do not and are not capable of cutting or removing hard or soft tissue or tooth structure are within the scope of practice of licensed dental hygienist and registered dental assistants. If the laser is for diagnostic purposes, the finding must be verified by the dentist.

**Policy For Appliances Used for Weight Loss** - The position of the Tennessee Board of Dentistry is that the making of impressions for, construction of, insertion (delivery) of appliances used for weight loss and the maintenance of the oral health related to appliances used for weight loss is within the scope of practice of dentistry. The diagnosis and evaluation of the patient's suitability for the appliance for weight loss as well as the continued evaluation of the patient's use of the appliance is not within the scope of practice of dentistry.

Dentists can fabricate this appliance for the designated patient and conduct only those tasks allowed pursuant to T.C.A. 63-5-108(b) only under the orders of a physician who is treating the patient for weight loss.

**Policy For Acupuncture for Treatment** - The position of the Tennessee Board of Dentistry is that since acupuncture is not a specialty recognized by the Tennessee Board of Dentistry or the American Dental Association, there are no licensing procedures or guidelines regarding the use of acupuncture in the statutes and rules of the Tennessee Board of Dentistry.

However, the Tennessee Board of Medical Examiners Advisory Committee for Acupuncture does regulate and issue certification for the practice of acupuncture. The Tennessee Board of Dentistry can neither endorse nor encourage the use of this technique in the practice of dentistry but if a dentist does utilize this treatment in their practice, they must obtain certification from the Tennessee Board of Medical Examiners Advisory Committee for Acupuncture before utilization of this technique.

You can view all policies of the Tennessee Board of Dentistry on the Board's Web site under "Policy Statements".

## Spotlight on New Rules

Continued from page 1

- (c) A dentist holding a Special Volunteer License may not do any of the following:
  - 1. Practice dentistry anywhere other than in the free health clinic site or setting specified in the application; and
  - 2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of medical or any other services; and
  - 3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
- (d) Special Volunteer Licenses are subject to all of the following:
  - 1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rules 0460-2-.08 and .09, except those requiring the payment of any fees; and
  - 2. The rules governing continuing education and cardio pulmonary resuscitation as provided by rule 0460-1-.05; and
  - 3. Disciplinary action for the same causes and pursuant to the same procedures as all other licenses issued by the Board.
- (2) Inactive Pro Bono Practice Pursuant to T.C.A. § 63-6-230 – Applicants who intend to exclusively practice dentistry without compensation on patients who receive dentistry services from organizations granted a determination of exemption pursuant to Section 501 (c)(3) of the Internal Revenue Code may obtain an inactive volunteer license to do so by doing as follows:
  - (a) Applicants who currently hold a valid Tennessee license to practice dentistry issued by the Board pursuant to this rule which is in good standing must:
    - 1. Retire their active licenses pursuant to the provisions of rule 0460-2-.09; and
    - 2. Have submitted to the Board Administrative Office directly from the qualified organization proof of the determination of exemption issued pursuant to Section 501 (c)(3) of the Internal Revenue Code; and
    - 3. Submit a written certification that they are practicing dentistry exclusively on the patients of the qualified entity and that such practice is without compensation.
  - (b) Applicants who do not currently hold a valid Tennessee license to practice dentistry must:
    - 1. Obtain a license by complying with all provisions of subparagraphs (1) (c), (1) (d), (1) (e), (1) (g), and (2) (b) of rule 0460-2-.01 and the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and
    - 2. Have submitted to the Board Administrative Office directly from the qualified organization proof of the determination of exemption issued pursuant to Section 501 (c)(3) of the Internal Revenue Code; and
    - 3. Submit a written certification that they are practicing dentistry exclusively on the patients of the qualified entity and that such practice is without compensation.
  - (c) Inactive pro bono licenses are subject to all rules governing renewal, retirement, reinstatement and reactivation as provided by rules 0460-2-.08 and .09, and are subject to all rules governing continuing education and cardio pulmonary resuscitation as provided by rule 0460-1-.05. These licenses are also subject to disciplinary action for the same causes and pursuant to the same procedures as active licenses.
- (3) Practice Pursuant to the "Volunteer Health Care Services Act" T.C.A. §§ 63-6-701, et seq.
  - (a) Any dentist licensed in this or any other state, territory, district or possession of the United States whose license is not under a disciplinary order of suspension or revocation may practice dentistry in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
  - (b) Any person who may lawfully practice dentistry in this or any other state, territory, district or possession of the United States under an exemption from licensure and who is not under a disciplinary order of suspension or revocation and who is not and will not "regularly practice," as defined by T.C.A. § 63-6-703 (3) may practice dentistry in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
  - (c) A dentist or anyone who practices under an exemption from licensure pursuant to this rule may not charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of dentistry or any other services; and may not practice for any organization that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
  - (d) Any organization that organizes or arranges for the voluntary provision of health care services on residents of Tennessee may utilize persons described in subparagraphs (a) and (b) to practice dentistry only when it

has complied with the provisions of T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.

### 0460-3-.12 Free Health Clinic and Volunteer Practice Requirements. (Dental Hygienists)

#### (1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201

- (a) Any individual licensed to practice as a dental hygienist in this state or any other state who has not been disciplined by any licensure board may have their license converted to or receive a Tennessee "Special Volunteer License," as defined in T.C.A. § 63-1-201, which will entitle the licensee to practice without remuneration solely within a "free health clinic," as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:
  - 1. Obtaining from the Board's administrative office a "Special Volunteer License" application, completing it and submitting it along with any required documentation to the Board's administrative office; and
  - 2. Have the licensing authority of every state in which the individual holds or ever held a license to practice as a dental hygienist submit directly to the Board's administrative office the equivalent of a "certificate of fitness" as described in T.C.A. § 63-1-118 which shows that the license has never been subjected to any disciplinary action and is free and clear of all encumbrances; and
  - 3. For dental hygienists who have not been licensed in Tennessee, comply with all provisions of subparagraph (3) (b) and paragraphs (4), (5), and (8) of rule 0460-3-.01; and
  - 4. Submitting the specific location of the site or setting of the free health clinic in which the licensee intends to practice along with proof of the clinic's private, and not-for-profit status.
- (b) A dental hygienist holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board's biennial birthdate renewal system
- (c) A dental hygienist holding a Special Volunteer License may not do any of the following:
  - 1. Practice as a dental hygienist anywhere other than in the free health clinic site or setting specified in the application; and
  - 2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of medical or any other services; and
  - 3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
- (d) Special Volunteer Licenses are subject to all of the following:
  - 1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rules 0460-3-.07 and .08, except those requiring the payment of any fees; and
  - 2. The rules governing continuing education and cardio pulmonary resuscitation as provided by rule 0460-1-.05; and
  - 3. Disciplinary action for the same causes and pursuant to the same procedures as all other licenses issued by the Board.
- (2) Practice Pursuant to the "Volunteer Health Care Services Act" T.C.A. §§ 63-6-701, et seq.
  - (a) Any dental hygienist licensed in this or any other state, territory, district or possession of the United States whose license is not under a disciplinary order of suspension or revocation may practice as a dental hygienist in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
  - (b) Any person who may lawfully practice as a dental hygienist in this or any other state, territory, district or possession of the United States under an exemption from licensure and who is not under a disciplinary order of suspension or revocation and who is not and will not "regularly practice," as defined by T.C.A. § 63-6-703 (3) may practice as a dental hygienist in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
  - (c) A dental hygienist or anyone who practices under an exemption from licensure pursuant to this rule may not charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of services; and may not practice for any organization that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
  - (d) Any organization that organizes or arranges for the voluntary provision of health care services on residents of Tennessee may utilize persons described in subparagraphs (a) and (b) to practice as dental hygienists only when it has complied with the provisions of T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.

A copy of the full text of the rules, as amended, is available in the "Rules and Regulations" section of the Board's web site and the applications are available by contacting the board's administrative office. 🐾



## Disciplinary Actions

The Board, at its meetings on December 8, 2005 and January 26-27, 2006, took the following disciplinary actions:

### **Pamela Ruth Belew, RDA, Memphis, TN**

**DA 10674**

Violation: Practicing on an expired license

Action: Reprimanded; assessed \$500 in civil penalties; and assessed case costs

### **Tina M. Bolin, RDH, Pikeville, TN**

**DH 3558**

Violation: Unprofessional, dishonorable, or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or in being guilty of fraud or deceit in the practice of dental hygiene; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants, such as, but not limited to, nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dental hygiene; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; engaging in the practice of dental hygiene when mentally or physically unable to safely do so

Action: License Suspended for not less than six months; to be followed by Probation for a period of five years from the effective date of the suspension being lifted; must regain and maintain the advocacy of the Tennessee Professional Assistance Program; assessed \$6,000 in civil penalties; and assessed case costs

### **Carl M. Browder, DDS, Dayton, TN**

**DS 4221**

Violation: Unprofessional, dishonorable, or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or in being guilty of fraud or deceit in the practice of dentistry; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants, such as, but not limited to, nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dentistry; conviction of a felony, conviction of any offense under state or federal drug laws or conviction of any offense involving moral turpitude; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; engaging in the practice of dentistry when mentally or physically unable to safely do so; failure to update mandatory practitioner profile

Action: License Suspended for not less than one year; to be followed by Probation for a period of five years commencing from the effective date of the suspension being lifted; must surrender his DEA license for the duration of the disciplinary period; must immediately gain and maintain advocacy of the Concerned Dental Professional Committee; assessed \$9,000 in civil penalties; and assessed case costs

### **Hiedie J. Fleming, RDA, Memphis, TN**

**DA 2663**

Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee; performing outside of scope of practice

Action: License placed on Probation for one year; assessed \$1,000 in civil penalties; and assessed case costs

### **James L. Fortner, DDS, Brentwood, TN**

**DS 2015**

Violation: Unprofessional, dishonorable or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; and violation of Tenn. Comp. R. & Regs 0460-2.12(4)(e).

Action: License placed on probation for two years; must attend seminar "Program for Distressed Physicians"; must attend seminar "Prescribing Controlled Drugs"; must attend two-day medical record course at Case Western University, Cleveland, Ohio; must attend and complete three hours of approved CDE in risk management; assessed \$2,000 civil penalties, assessed costs; and must allow Department of Health Investigator to inspect and photocopy ten patient charts per clinic chosen at random.

### **Gordon Gruen, DDS, Memphis, TN**

**DS1783**

Violation: Allowed dental assistant to practice on expired license

Action: Reprimanded; assessed \$1,200 in civil penalties; and assessed \$200 in case costs

### **Dellilah A. Johnson, DDS, Nashville, TN**

**DS 5422**

Violation: Unprofessional, dishonorable or unethical conduct; exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party; failing to maintain an accurate and legible written evaluation and treatment history for each patient; failed to respond to written communications from the Department of Health, to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct; practicing on an expired license; violation of rule regarding termination of dentist/patient relationship

Action: License placed on Probation for three years; must attend continuing education course; assessed \$3,500 in civil penalties; and assessed case costs

### **E. Dean Johnson, DDS, Memphis, TN**

**DS 3439**

Violation: Unprofessional, dishonorable, or unethical conduct; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants, such as, but not limited to, nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dentistry; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; engaging in the practice of dentistry when mentally or physically unable to safely do so; violation of rules regarding prescribing, dispensing, or otherwise distributing pharmaceuticals

Action: License Suspended; must permanently surrender DEA certificate; after meeting certain terms and conditions, he may appear before the Board to request that the suspension be lifted and his license placed on Probation for five years; assessed \$20,000 in civil penalties

### **John E. Jordan, DDS, Memphis, TN**

**DS 1022**

Violation: Unprofessional, dishonorable, or unethical conduct

Action: License Surrendered; assessed case costs

### **Padma A. Lyons, DDS, Germantown, TN**

**DS 4842**

Violation: Employed an unregistered dental assistant

Action: Reprimanded; assessed \$1,000 in civil penalties; and assessed case costs

### **Dwight A. Morris, DDS, Memphis, TN**

**DS 2596**

Violation: Allowed dental assistant to practice on expired license

Action: Reprimanded; assessed \$1,200 in civil penalties; and assessed \$200 in case costs

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## Disciplinary Actions

Continued from page 3

### Jack Morton, DDS, Soddy Daisy, TN

DS 916

Violation: Unprofessional, dishonorable, or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee; conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of the chapter can be done legally only by persons licensed to practice dentistry

Action: License must be surrendered within 30 days; assessed case costs

### Ralph M. Nixon, DDS, Jackson, TN

DS 2436

Violation: Unprofessional, dishonorable, or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of the chapter can be done legally only by persons licensed to practice dentistry or dental hygiene or as a registered dental assistant; violation of rules regarding prescribing; violation of rules regarding record keeping

Action: License placed on Probation for two years; must complete continuing education courses; assessed \$5,000 in civil penalties; and assessed case costs

### John Paffrath, DDS, Erin, TN

DS 4216

Violation: Unprofessional, dishonorable or unethical conduct; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or in being guilty of fraud or deceit in the practice of dentistry

Action: License suspended until such time as he completes continuing education in prescribing antibiotics and professional ethics; thereafter to be placed on Probation for a period of three years; assessed \$7,200 in civil penalties; and assessed case costs

### Juanita A. Rouse, DDS, Mount Juliet, TN

DS 4670

Violation: Unprofessional, dishonorable or unethical conduct; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or in being guilty of fraud or deceit in the practice of dentistry; used or participated in the use of any form of public communication containing a false, fraudulent, misleading or deceptive statement or claim

Action: Reprimanded; assessed \$2,000 in civil penalties; and assessed case costs

### Christy Nicole Shipley, RDA, Harriman, TN

DA 8225

Violation: Practicing on an expired license; monitored nitrous oxide without a permit


Action: Reprimanded; assessed \$500 in civil penalties; and assessed case costs

### Lawrence Trivette, Jr, DDS, Knoxville, TN

DS1608

Violation: Unprofessional, dishonorable, or unethical conduct; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants, such as, but not limited to, nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dentistry; engaging in the practice of dentistry when mentally or physically unable to safely do so; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and

suffering, or not to cure an ailment, physical infirmity or disease; violation of rules regarding prescribing

Action: Licensed Suspended indefinitely; DEA certificate permanently surrendered; must appear before the Board with proof that he has met certain terms and conditions; thereafter, license to be placed on Probation for five years, if he has not met the conditions, his license will remain suspended for five years; assessed case costs 

### Instructions for Accessing the Board's Web site

- ▶ Log on to <http://tennessee.gov/health>
- ▶ Click on "Licensing" in the title bar
- ▶ Click on "Health Professional Boards"
- ▶ Select "Board of Dentistry"



The rules, statutes, applications, meeting schedule, meeting minutes, policy statements, and list of approved educational schools/programs are all available online. Licensure renewal and licensure verification can also be done at this Web site.

Licenses renewed online update within four days or less compared to submittal of the paper renewal application which takes at least seven days to update.



## Quiz on the Statutes and Rules



Here are some questions to test your knowledge of the statutes and rules that govern the dental professions.

### True or False

1. A copy of the dental records is to be released to the patient or the patient's authorized representative within 10 working days upon request in writing.  
True \_\_\_\_\_ False \_\_\_\_\_
2. Dental offices cannot charge for copying dental records.  
True \_\_\_\_\_ False \_\_\_\_\_
3. The Board does not consider radiographs as a part of the dental record.  
True \_\_\_\_\_ False \_\_\_\_\_
4. Dental hygienist can perform any procedure within their scope of practice under general supervision.  
True \_\_\_\_\_ False \_\_\_\_\_
5. Dental professionals who are not currently practicing in Tennessee can retire their license or registration if they submit an Affidavit of Retirement.  
True \_\_\_\_\_ False \_\_\_\_\_
6. The administrative duties of the Board are performed by employees hired by the Board.  
True \_\_\_\_\_ False \_\_\_\_\_
7. The Board audits continuing education instead of requiring all licensees or registrants to submit proof of continuing education at the completion of every continuing education cycle.  
True \_\_\_\_\_ False \_\_\_\_\_
8. If a licensee or registrant forgets to renew their license or registration, they can submit the renewal application and fees anytime within the next year.  
True \_\_\_\_\_ False \_\_\_\_\_
9. Mailing and practice address changes must be reported within 60 days of the change.  
True \_\_\_\_\_ False \_\_\_\_\_
10. Dentists are required to report any changes to the information on the practitioner profile within 30 days of the change.  
True \_\_\_\_\_ False \_\_\_\_\_

Answers on Page 5



## Clinical Issues Committee

### Recommendations Reviewed by Board

The Board of Dentistry reviewed the recommendations of the Clinical Issues Committee at the January meeting. The Board made the following decisions:

- On issues regarding dental hygienists and/or registered dental assistants:
  - Taking impressions for and making night guards and bite splints can be performed by dental hygienists and registered dental assistants because it is not a "permanent restoration", but dentist must place the appliance. The Board decided that no policy or rule was required.
  - Light-curing and bleaching systems – dental hygienists and registered dental assistants can use and the Board decided that no policy or rule was needed. Please note that teeth whitening is governed by Rule 0460-1-.10.
  - Flowable Composite, if used as a sealant and charged as a sealant material, dental hygienists and registered dental assistants with sealant certification can apply but if used as a restorative material, they must have the Restorative Function certification to apply. The Board decided that no policy or rule was required.
  - The use of diagnostic lasers was addressed in a policy which is listed on page one of this newsletter.
- Issues regarding dentists:
  - The issue of the use of botox by dentists was deferred until the May meeting of the board.
  - Appliances used for weight loss was addressed in a policy which is listed on page one of this newsletter.
  - Acupuncture for treatment was addressed in a policy which is listed on page one of this newsletter. 🦷



## Criminal Background Checks

Effective June 1, 2006, the Board of Dentistry will require criminal background checks with all initial applications for licensure as a dentist or dental hygienist or registration as a dental assistant. The company who currently is contracted by the state to perform this service is Identix Identification Services. The fee Identix charges is \$56.00 and payable directly to Identix.

Licensure or registration applications will not be considered for approval until all documentation, including the criminal background check, is received. At this time, the criminal background check is not required for renewal, reinstatement or reactivation.

You can view the instructions for obtaining the criminal background check on the Board's Web site under "Noteworthy" or in the application instructions of applications for licensure or registration obtained online. 🦷



## Continuing Education Reminder

The current continuing education cycle will end on December 31, 2006. Any licensee/registrant who was issued a license or registration **prior to January 1, 2005** is required to complete continuing education by the end of 2006.

Dentists are required to complete 40 hours, dental hygienists are required to complete 30 hours and registered dental assistants are required to complete 24 hours. A minimum of two of the required hours are to be in the subject of chemical dependency. 🦷

### Answers to quiz on page 4:

1. True, T.C.A. 63-2-101(a)(10) requires release of the record that is requested in writing. 2. False, T.C.A. 63-2-102(a) allows for a charge of up to \$20 for records 40 pages or less and .25¢ per page after the first 40 pages. 3. False, Rule 0460-2-.12(4)(e) says that radiographs are considered part of the dental record. 4. False, T.C.A. 63-5-108(c) and Rule 0460-3-.09(3), (4) and (5) specify duties that must be performed under direct supervision only. 5. True, T.C.A. 63-5-129 allows for retirement of a license or registration, but requires the dental professional to reactivate if they return to practice. 6. False, T.C.A. 63-5-101 and 63-5-101 and 132 specify that the administrative duties of the Board is to be vested in the Division of Health Related Boards of the Department of Health and the Director of the Division of Health Related Boards has the power, duty and responsibility to "employ all staff assigned or performing duties for the agencies attached to the division". All employees who handle the administrative duties for the Board are employed by the State of Tennessee. 7. True, T.C.A. 63-5-107(c)(2) allows the Board to, in its discretion, verify compliance by "random sample or in individual cases". 8. False, T.C.A. 63-1-107, 63-5-117, and Rules 0460-2-.08, 0460-3-.07 and 0460-4-.06 all cover renewals. When any licensee fails to renew within sixty (60) days after the expiration date, the license is automatically revoked without further notice or hearing and the licensee must reinstate the license before they are legal to practice their profession. The sixty days are to allow for processing and the expiration date is the date the license expires. Any licensee who practices in a hospital environment will not be allowed to practice by most hospitals until the license is renewed since it is not current. 9. False, T.C.A. 63-1-108(c) requires address changes be reported within 30 days of the change. This can be reported in writing or by changing it online thru the license renewal section of the Board's website. 10. True, T.C.A. 63-5-117(d) requires dentist to update the information "in writing by notifying the department within 30 days after the occurrence of an event or the attainment of a status that is required to be reported". Events that are reportable include practice address changes, malpractice payments of \$25,000 or greater, convictions and disciplinary actions. All changes are to be reported to Health Care Consumer Right-to-Know at 1<sup>st</sup> Floor, Cordell Hull Bldg., 425 Fifth Avenue North, Nashville, TN 37247-1010 or by facsimile at (615) 741-6962.

## Move Date Changed Again!

As reported in the Summer 2005 Newsletter, the Bureau of Health Licensure and Regulation, which includes the Board of Dentistry, is moving to offices located in the Metro Center area of Nashville. The tentative move date has been changed to the month of June. 🦷

## Staff Update

Paul David, the Executive Director of the Board left for extended military leave effective March 31, 2006. We would like to wish him good luck with his training and assure everyone that the administrative staff will continue our duties in his absence. His leaving will not cause any disruption in the service that the staff provides to licensees, applicants, and the public.

Also, Dave Hoffman has joined the administrative staff as an administrator. Mr. Hoffman handles the review of dentist applications and will be answering all inquiries from and about dentists. We would like to welcome him to our staff. 🦷

**NOTE: Name changes require submission of legal documentation.**

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First Floor, Cordell Hull Building  
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Nashville, TN 37247-1010



**Renew faster by renewing online at <http://tennessee.gov/health>**

**Report all address changes in writing within 30 days of the address change.**

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**Tennessee Board of Dentistry  
Board Members as of April 30, 2006**

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